

MINUTES
April 25, 2023
Committee of the Whole – Hybrid Meeting
City of Batavia

Please **NOTE:** These minutes are not a word-for-word transcription of the statements made at the meeting, nor intended to be a comprehensive review of all discussions. They are intended to make an official record of the actions taken by the Committee/City Council, and to include some description of discussion points as understood by the minute-taker. They may not reference some of the individual attendee’s comments, nor the complete comments if referenced.

Vice-Chair Chanzit called the meeting to order at 7:00pm.

1. Roll Call

Members Present: Chair Wolff (remote); Ald. Miller, Beck, Connelly, Chanzit, Solfa, Baerren, Leman, Ajazi (remote), Malay, Uher, and Vogelsinger (joined at 7:07pm)

Members Absent: Ald. Russotto and Cerone

Also Present: Mayor Schielke; Chief Shawn Mazza, Batavia Police Department; Chief Craig Hanson, Batavia Fire Department; Laura Newman, City Administrator; Wendy Bednarek, Director of Human Resources; Gary Holm, Director of Public Works; Drew Rackow, Planning and Zoning Officer (remote); Scott Buening, Director of Community and Economic Development; Steve Allan, Assistant Electric Superintendent; Anthony Isom, Economic Development Manager; Jeff Albertson, Building Commissioner; and Jennifer Austin-Smith, Recording Secretary (remote)

2. Reminder: Please speak into the microphone for BATV recording

3. Items to be Removed/Added or Changed

City Administrator Newman stated that there would not be a need for a closed session.

4. Matters from the Public (For Items NOT on Agenda)

Michelle DeRaedt, Glory Gardens, discussed the growth of community gardens and how the gardens yield donations to local food pantries.

5. Consent Agenda:

(The Consent Agenda is made up of items recommended by city staff that requires recommendation to the full City Council by the COW. This agenda is placed as a separate item on the COW agenda. The items on the Consent Agenda are usually minor items, already budgeted, standard non-policy activities or outgrowths of earlier meetings and are voted on as a “package” in the interest of saving time on non-controversial issues. However, any council member may, by simple request, have an item removed and placed on the “regular” agenda.)

- a. Resolution 23-060-R: Authorizing Execution of Professional Services Agreement with Pure Technologies US, Inc. for three-year Waterworks System Valve Exercising Program (JPB 4/18/23) PU
- b. Resolution 23-061-R: Authorizing Execution of Professional Services Agreement with ME Simpson Company, Inc. for Three-Year Waterworks System Leak Detection Program (JPB 4/18/23) PU
- c. Resolution 23-057-R: Approve Plat of Easement – 1001 N Raddant Rd (Superfast Trucking)(CB 3/30/23) CD
- d. Ordinance 23-13: An Ordinance Proposing the Establishment of Special Service Area Number 70 (ZE)
- e. Resolution 23-062-R: Approving a Resolution Accepting a Plat of utility Easement at 1335 Pine Street (RB 4/20/23) CD
- f. Resolution 23-063-R: Approving a Resolution Accepting a Plat of Utility Easement at 905 East Wilson Street (RB 4/20/23) CD
- g. Ordinance 23-12: Annexing and Zoning a Part of Skyline Drive Right-of-Way (SCB 3/30/23) CD

Motion: To approve the Consent Agenda as presented

Maker: Chanzit

Second: Uher

Roll Call Vote: **Aye:** Chanzit, Solfa, Wolff, Baerren, Leman, Ajazi, Malay, Uher, Vogelsinger, Miller, Beck, Connelly

Nay:

12-0 Vote, 2 Absent, Motion carried.

6. Discussion: Mahoney Creek Tributary Stormwater Improvement – Additional Landscaping CS

Podraza introduced Logan Gilbertson, HR Green, to the Committee of the Whole (COW). Gilbertson presented a PowerPoint titled “Mahoney Creek Tributary Detention Basins Resident Meetings” that included the following information: project location, background and purpose, and Kirk Road Detention basin exhibit for screening with additional trees.

Motion: To direct staff to go forward with the proposal as presented by HR Green with the additional trees and arborvitea

Maker: Wolff

Second: Baerren

Roll Call Vote: **Aye:** Wolff, Baerren, Leman, Ajazi, Malay, Uher, Vogelsinger, Miller, Beck, Connelly, Chanzit, Solfa

Nay:

12-0 Vote, 2 Absent, Motion carried.

7. Discussion: N River Street One-Way Conversion – Street Furniture Layout CS

The COW discussed determining what this area should be like for their downtown, utilizing it for pedestrians and bikers, lighting and closing the street. Holm asked about picnic tables and serving of alcohol. Newman stated that there would be channelized lane to make a right onto

Wilson. There would not be picnic tables outside to the extent as when the street was closed. Chair Wolff stated that the discussion of serving of alcohol should be at another time since it is not a part of the discussion at tonight's meeting.

Leman asked that staff close N River Street during the weekends. Uher stood with Leman's recommendation. Holm stated that staff could close the road on Thursday afternoon and open the road back up on Monday morning.

8. Discussion: Prairie State Matters

Newman noted that in this case Batavia is different than any other municipality in the State of Illinois and that is due to the contract for more power than we use. Closing down that plant in 2038, the reduction, would have a devastating effect on one City, Batavia. She understands the point that we all need to do more and it is going to cost more and to make more investments in this. But we all need to be making more investments in this. She does not think it would be prudent for the City of Batavia to put itself in the position of having yet higher rates of electricity than all of the other communities that we are competing against for future business and residents. Putting ourselves in a very negative economic condition would also not be good for the future of the residents of Batavia. Solfa concurred.

Holm summarized that at this point of time we are bound by contracts. Most likely through the year 2042, Prairie State is still going to be our energy source because we have a contract. It would make sense between now and that time we operate Prairie State as efficiently and cost effectively as we can so we can deliver low rates to residents. At the same time, we could say no to decisions that would extend the life of the plant, such as carbon capture. We could say no to carbon capture to represent Council's wishes. There were no objections voiced.

9. Resolution 23-064-R: Authorization for Execution of Notice of Intent to Award Phase 2A Improvement to Wastewater Treatment Facility to IHC Construction Company, LLC (GH 4/21/23)

Holm discussed the memo with the Committee.

Motion: To recommend approval of Resolution 23-064-R: Authorizing for Execution of Notice of Intent to Award Phase 2A Improvement to Wastewater Treatment Facility to IHC Construction Company, LLC

Maker: Malay

Second: Chanzit

Roll Call Vote: **Aye:** Malay, Uher, Vogelsinger, Miller, Beck, Connelly, Chanzit, Solfa, Wolff, Baerren, Leman, Ajazi

Nay:

12-0 Vote, 2 Absent, Motion carried.

10. Resolution 23-055-R: Approval of Task Orders 2 Revised, 2D, 2E and 2F with V3 for Final Engineering, Alternative Native Detention Designs, Permitting and Plat/Easements Associated with Carriage Crest Detention Basin (AMP 4/5/23) CS

Podraza discussed utilizing ARPA funding and a shortfall of 2.6 million dollars from today to completed construction. This would only leave \$135,000 per year for other stormwater projects

until 2037 with the bonds being paid off in 2038. The impact on a \$300,000 house would be \$16 per year for twenty years. Podraza discussed V3 final engineering, burying electric options, alternatives for the detention basin, construction and construction engineering. Mayor Schielke encouraged the Committee to proceed with this project. Vice-Chair Chanzit opened the floor for public comment.

Alice, 1050 Pontiac Drive, shared they bought the house because of the wooded lot. She shared the many benefits of the unique wooded area and how it serves a purpose for the neighborhood. She hopes the City would come up with a solution that would leave as much of the wooded area as possible and replace what was lost. She shared her disappointment that the Mahoney Creek residents were upset with the loss of their trees. She asked City Council for their help and support to preserve the wooded area.

John Clemens, Batavia resident, stated that the wooded area is a prominent aspect of his property and the view of the area there. None of the residents have a question on the engineering, something needs to be done and trees will need to be removed due to the root structure. The community wants to be involved in the aftereffects and what the area would look like afterwards, what could be put in and what could be maintained.

Resident at 1070 Pontiac stated that she is in favor of the retention of the woods and enjoy that piece of the community. Their young kids enjoy the woods now and would like the wooded area preserved as much as we can. She asked if we could build up the wooded area in the Park District to replace any wooded area that needs to be taken away. She would not like a repeat as to what happened in Mahoney.

Tom Chulus shared he had five-feet of water in the basement during the first one hundred year storm. His basement has flooded since then. He needs the City's help because his house floods every two years. The priority should be to alleviate the flooding and trying preserve what we can and make it better. He has been in his home for thirty-five years and it would be nice if his home didn't get flooded with water.

Melissa Ellis, 1050 Parkview, shared she bought her house because of the wooded area. She would like to see her neighbors flooding to stop but she would also like to make sure as much of the trees are saved as possible.

Ryan Murphy, 1060 Pontiac Drive, stated that they have experienced flooding and foundation damage. They have spent tens of thousands of dollars out of pocket because insurance does not cover it. He and his neighbors are all on board for this engineering project and we want to see this all go through. We trust the engineering and it needs to go forward. The tree issue and forestation affects them as well. The concern is the maintenance of the forested landscape surrounding the basin site. We have bought our homes because of the forested view. The concern is if you remove a forested feature in the neighborhood that could adversely affect property values. The mature trees provide value. Batavia should ensure that forestation remains a priority, one of which adds to the desirability of Batavia as a top rated place to live.

PJ FitzPatrick, 1075 Park View Drive, asked the Committee to continue moving forward with the V3 contracts and work orders, close the funding gap prior to construction, and solve the flooding problem.

Luna, Kane County Naturalist, stated that the wooded area is unique compared to other areas in the neighborhood. There are a lot of things for children to do within this wooded area. The forested area is small but it is very significant in value. She hopes that we preserve as much as we can. There needs to be communities of trees, two to three of each kind and each tree is very important.

Jason Lindstrom, stated that many of us in the neighborhood are beyond grateful to get closer to solving the water issues. We are thankful the neighbors are a part of the conversation and sharing their concerns. He is confident that the City would come up with a plan to improve the stormwater issue and maintain the aesthetics. He looks forward to see this project successfully implemented so that we could stop living in fear every time it rains.

Motion: To recommend approval of Resolution 23-055-R: Approval of Task Orders 2 Revised, 2D, 2E and 2F with V3 for Final Engineering, Alternative Native Detention Designs, Permitting and Plat/Easements Associated with Carriage Crest Detention Basin

Maker: Chanzit

Second: Malay

Roll Call Vote: **Aye:** Chanzit, Solfa, Wolff, Baerren, Leman, Ajazi, Malay, Uher, Vogelsinger, Miller, Beck, Connelly

Nay:

12-0 Vote, 2 Absent, Motion carried.

11. Ordinance 23-16: An Ordinance Authorizing and Providing for the Issue of Not To Exceed \$4,000,000 Waterworks Revenue Bonds (IEPA) of the City of Batavia, Kane and DuPage Counties, Illinois, for the Purposes of Paying the Costs of the Necessary Improvements to the Waterworks System of Said City, Prescribing All the Details of Said Bonds and Providing for the Collection, Segregation and Distribution of the Revenues of Said System for the Payment of Said Bonds (PLC 4/19/23) GS

Colby discussed the memo with the Committee. This ordinance is not approving any new debt and this is for the lead service line project.

Motion: To recommend approval of Ordinance 23-16: An Ordinance Authorizing and Providing for the Issue of Not To Exceed \$4,000,000 Waterworks Revenue Bonds (IEPA) of the City of Batavia, Kane and DuPage Counties, Illinois, for the Purposes of Paying the Costs of the Necessary Improvements to the Waterworks System of Said City, Prescribing All the Details of Said Bonds and Providing for the Collection, Segregation and Distribution of the Revenues of Said System for the Payment of Said Bonds

Maker: Chanzit

Second: Beck

Roll Call Vote: **Aye:** Malay, Uher, Vogelsinger, Miller, Beck, Connelly, Chanzit, Solfa, Wolff, Baerren, Leman, Ajazi
 Nay:
 12-0 Vote, 2 Absent, Motion carried.

12. Project Status

Newman reported on the following:

- The Bring Your Own Bag (BYOB) campaign
- Single Use Bag Fee begins on July 1st; retailers who are 5,000 square feet or more would charge a ten-cent fee; the retailer would keep four cents of that and remit six cents to the City on a monthly basis. There are eighteen retailers in the City that this would apply to.
- Max Weiss begins as the Management Analyst
- National Planning Conference to be attended by Drew Rackow and Scott Buening
- Dave's Hot Chicken plans have been received
- Pulte Phase 2 of Winding Creek Plat will be approved
- Community Development is very busy with over twenty different development petitions

13. Other

Uher asked for a discussion on ADORA at the next COW meeting. Vogelsinger and Beck joined Uher with his request.

14. Executive Session – Land Acquisition (SCB)

No Executive Session was held.

15. Adjournment

There being no other business to discuss, Vice-Chair Chanzit asked for a motion to adjourn the meeting at 10:00pm; Made by Solfa; Seconded by Uher. Motion carried.